RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 35425

DESCRIPTION: Transmission Miscellaneous STATUS: A

**OPERATOR NO:** 875162

ORIGINAL CONTRACT DATE: 10/01/2016 RECEIVED DATE: 09/21/2021 INITIAL SERVICE DATE: TERM OF CONTRACT DATE: 12/31/2028

INACTIVE DATE: AMENDMENT DATE:

**CONTRACT COMMENT:** Y to Y

REASONS FOR FILING

NEW FILING: Y RRC DOCKET NO:

CITY ORDINANCE NO:

AMENDMENT(EXPLAIN): None

OTHER(EXPLAIN): To establish tariff.

PREPARER - PERSON FILING

RRC NO: 1290 ACTIVE FLAG: Y INACTIVE DATE:

FIRST NAME: Anita MIDDLE: LAST NAME: O`Brien

TITLE: Manager, Commercial Contracts

ADDRESS LINE 1: 16211 La CanteraParkway

ADDRESS LINE 2: Suite 202

CITY: San Antonio STATE: TX ZIP: 78256 ZIP4:

AREA CODE: 210 PHONE NO: 802-4491 EXTENSION:

CUSTOMERS

CUSTOMER NO CUSTOMER NAME CONFIDENTIAL? DELIVERY POINT

42078 \*\*CONFIDENTIAL\*\*

Y

CURRENT RATE COMPONENT

RATE COMP. ID DESCRIPTION

Rich001 CPI Adjustments to Fees. The service fees will be adjusted by Gatherer annually, beginning on January 1, 2018, and on each anniversary thereafter (each, an Adjustment Date), upward or downward, as applicable, by the percentage change between January 1 and December 21 of the Year immediately proceding the Adjustment Date, in the Consumary Price Index for All Library Consumary (the CPI Library)

31 of the Year immediately preceding the Adjustment Date, in the Consumer Price Index for All Urban Consumers (the CPI-U Index), or its most comparable successor, as published by the U.S. Department of Labor, Bureau of Labor Statistics. However, in no event shall the service fees as so adjusted, ever be less than the initial service fees provided for herein.

the service rees as so adjusted, ever be less than the initial service rees provided for herein.

Rich002 The Gathering Fee for gathering Dedicated Gas shall be thirty cents (\$0.3032) per received Mcf, plus any applicable taxes.

RATE ADJUSTMENT PROVISIONS:

None

**DELIVERY POINTS** 

ID TYPE UNIT CURRENT CHARGE EFFECTIVE DATE CONFIDENTIAL

113434 D Mcf \$.3032 10/01/2016 Y

**DESCRIPTION:** \*\*CONFIDENTIAL\*\*

Customer 42078 \*\*CONFIDENTIAL\*\*

### 10/12/2021

RAILROAD COMMISSION OF TEXAS

GAS SERVICES DIVISION

GSD - 2 TARIFF REPORT

RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 35425

TYPE SERVICE PROVIDED

TYPE OF SERVICE SERVICE DESCRIPTION OTHER TYPE DESCRIPTION

I Gathering

### TUC APPLICABILITY

### FACTS SUPPORTING SECTION 104.003(b) APPLICABILITY

Neither the gas utility nor the customer had an unfair advantage during the negotiations.

NOTE: (This fact cannot be used to support a Section 104.003(b) transaction if the rate to be charged or offered to be charged is to an affiliated pipeline.)

The rate is substantially the same as the rate between the gas utility and at least two of those customers under the same or similar conditions of service. Competition does or did exist either with another gas utility, another supplier of natural gas, or a supplier of an alternative form of energy.

RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 35426

DESCRIPTION: Transmission Miscellaneous STATUS: A

**OPERATOR NO:** 875162

ORIGINAL CONTRACT DATE: 11/01/2012 RECEIVED DATE: 09/21/2021 INITIAL SERVICE DATE: TERM OF CONTRACT DATE: 11/01/2020

INACTIVE DATE: AMENDMENT DATE:

**CONTRACT COMMENT:** Y to Y

REASONS FOR FILING

NEW FILING: Y RRC DOCKET NO:

CITY ORDINANCE NO:

AMENDMENT(EXPLAIN): None

**OTHER**(**EXPLAIN**): To establish tariff.

PREPARER - PERSON FILING

RRC NO: 1290 ACTIVE FLAG: Y INACTIVE DATE:

FIRST NAME: Anita MIDDLE: LAST NAME: O`Brien

TITLE: Manager, Commercial Contracts

ADDRESS LINE 1: 16211 La CanteraParkway

ADDRESS LINE 2: Suite 202

CITY: San Antonio STATE: TX ZIP: 78256 ZIP4:

AREA CODE: 210 PHONE NO: 802-4491 EXTENSION:

CUSTOMERS

CUSTOMER NO CUSTOMER NAME CONFIDENTIAL? DELIVERY POINT

42080 \*\*CONFIDENTIAL\*\*

Y

CURRENT RATE COMPONENT

RATE COMP. ID DESCRIPTION

Rich007 Gathering Fee. \$0.30 per Mcf, plus any applicable taxes.

Rich008 CPI Adjustments to Fees. The Gathering Fee will be adjusted by Gatherer annually, beginning on January 1, 2015, and on each anniversary thereafter (each, an Adjustment Date), upward or downward, as applicable, by the percentage change between January 1 and December 31 of the year immediately preceding the Adjustment Date, in the Consumer Price Index for All Urban Consumers (the CPI-

U Index), or its most comparable successor, as published by the U.S. Department of Labor, Bureau of Labor Statistics. However, in no

event shall the Gathering Fee, as so adjusted, ever be less than the Gathering Fee amounts provided.

RATE ADJUSTMENT PROVISIONS:

None

RRC COID: 8	6675 CO	OMPA	NY NAME: TX PIPELIN	NE WEBB CO RICH S	YS,LLC	
TARIFF CODE: TN	M RRC TARII	FF NO:	35426			
DELIVERY POINTS						
<u>ID</u>	TYPE	UNIT	CURRENT CHARGE	EFFECTIVE DATE	CONFIDENTIAL	
113436	R	Mcf	\$.3000	11/01/2012	Y	
DESCRIPTION:	**CONFIDENTIAL**					
Customer	42080	**(	CONFIDENTIAL**			
113437	R	Mcf	\$.3000	11/01/2012	Y	
DESCRIPTION:	**CONFIDENTIAL**					
Customer	42080	**(	CONFIDENTIAL**			

### TYPE SERVICE PROVIDED

TYPE OF SERVICE SERVICE DESCRIPTION OTHER TYPE DESCRIPTION

I Gathering

### TUC APPLICABILITY

### FACTS SUPPORTING SECTION 104.003(b) APPLICABILITY

Neither the gas utility nor the customer had an unfair advantage during the negotiations.

NOTE: (This fact cannot be used to support a Section 104.003(b) transaction if the rate to be charged or offered to be charged is to an affiliated pipeline.)

The rate is substantially the same as the rate between the gas utility and at least two of those customers under the same or similar conditions of service. Competition does or did exist either with another gas utility, another supplier of natural gas, or a supplier of an alternative form of energy.

**GFTR0049** 

#### 10/12/2021

RAILROAD COMMISSION OF TEXAS GAS SERVICES DIVISION GSD - 2 TARIFF REPORT

COMPANY NAME: TX PIPELINE WEBB CO RICH SYSLLC 8675 RRC COID:

TARIFF CODE: TM RRC TARIFF NO: 35427

DESCRIPTION: Transmission Miscellaneous STATUS: A

875162 OPERATOR NO:

> ORIGINAL CONTRACT DATE: 03/24/2014 RECEIVED DATE: 09/21/2021 INITIAL SERVICE DATE: TERM OF CONTRACT DATE: 03/24/2015

> > **INACTIVE DATE:** AMENDMENT DATE:

CONTRACT COMMENT: M to M

REASONS FOR FILING

NEW FILING: Y RRC DOCKET NO:

CITY ORDINANCE NO: AMENDMENT(EXPLAIN): None

OTHER(EXPLAIN): To establish inital tariff.

PREPARER - PERSON FILING

RRC NO: 1290 ACTIVE FLAG: Y TNACTIVE DATE:

FIRST NAME: Anita MIDDIE: LAST NAME: 0`Brien

TITLE: Manager, Commercial Contracts

ADDRESS LINE 1: 16211 La CanteraParkway

ADDRESS LINE 2: Suite 202

STATE: TX CITY: San Antonio **ZIP:** 78256 7.TP4 •

AREA CODE: 210 PHONE NO: **EXTENSION:** 

CUSTOMERS

CUSTOMER NO CONFIDENTIAL? DELIVERY POINT **CUSTOMER NAME** 

42082 \*\*CONFIDENTIAL \*\*

Y

### CURRENT RATE COMPONENT

#### RATE COMP. ID DESCRIPTION

Adjustment of Fees. On the first anniversary of the In-Service Date and on each anniversary date thereafter, the Gathering Fee and the Rich014 Processing Fee will be increased by multiplying the current fee by a fraction, the numerator of which will be the annual average

Consumer Price Index - All Urban Consumers (the CPI Price Index) developed for the prior Year (the Base Year) by the U.S. Department of Labor and published by the U.S. Department of Commerce, and the denominator of which will be said CPI Price Index developed for the Year preceding the Base Year, provided, however, that in no event will any fees in this Agreement be reduced below

that originally stated in this Agreement nor shall any increase exceed 3% annually.

Gathering Fee. A fee of \$0.1016 per MMBtu of Delivered Gas, plus a Processing Fee. A fee of \$0.3049 per MMBtu of Delivered Gas, Rich015

plus any applicable taxes.

IMBALANCE CASH-OUTS AND, OBA TERMS AND CALCULATIONS: Commencing with the first production Month under this Rich016

Agreement and monthly thereafter, parties shall resolve any Residue Gas Imbalance by one party paying the other party for Residue Gas Imbalances due either party. Any Residue Gas Imbalance under this Agreement remaining at the end of a calendar Month will be valued and cashed out utilizing the a calculation based upon the simple average of the posted prices for such Month in Platts Gas Daily as quoted in the Daily price survey (\$/MMBtu) under the heading Midpoint for EastHouston-Katy Houston Ship Channel (Cash Out Index) in accordance with the Imbalance Makeup procedures. Imbalance Makeup (Residue Gas Imbalance Resolution Mechanism): Residue Gas Imbalances shall be valued as follows: (a) Residue Gas Imbalance under the Agreement due: To the extent that Producer's Residue Gas Imbalance resulted in redelivered quantities that were greater than the Residue Gas nominated by Producer, Producer shall pay the value calculated as the product of (x) such Residue Gas Imbalance quantity due and (y) the Cash Out Index plus the rate as paid to entity 1 under the OBA of \$0.05 per MMBtu if the total gas imbalance for the month <= 100,000 MMBtu; or \$0.15/MMBtu if total gas imbalance for the month to > 100,000 MMBtu. (b) Residue Gas Imbalance under the Agreement due Producer: To the extent that Producer's Residue Gas Imbalance resulted in redelivered quantities that were less than the Residue Gas nominated by Producer, shall pay Producer the value calculated as the product of (x) such Residue Gas Imbalance quantity due Producer and (y) the Cash Out Index minus the rate deducted by entity 1 as paid under the OBA of \$0.10 per MMBtu if total gas imbalance for the month to entity 1 <= 100,000 MMBtu, or \$0.15/MMBtu if total gas imbalance for the month to entity 1 > 100,000 MMBtu.

RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 35427

RATE ADJUSTMENT PROVISIONS:

None

DELIVERY POINTS

<u>ID</u> <u>TYPE</u> <u>UNIT</u> <u>CURRENT CHARGE</u> <u>EFFECTIVE DATE</u> <u>CONFIDENTIAL</u>

113452 R Mcf \$.1000 03/24/2014 Y

**DESCRIPTION:** \*\*CONFIDENTIAL\*\*

Customer 42082 \*\*CONFIDENTIAL\*\*

TYPE SERVICE PROVIDED

TYPE OF SERVICE SERVICE DESCRIPTION OTHER TYPE DESCRIPTION

I Gathering

### TUC APPLICABILITY

### FACTS SUPPORTING SECTION 104.003(b) APPLICABILITY

Neither the gas utility nor the customer had an unfair advantage during the negotiations.

NOTE: (This fact cannot be used to support a Section 104.003(b) transaction if the rate to be charged or offered to be charged is to an affiliated pipeline.)

The rate is substantially the same as the rate between the gas utility and at least two of those customers under the same or similar conditions of service. Competition does or did exist either with another gas utility, another supplier of natural gas, or a supplier of an alternative form of energy.

RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 35428

**DESCRIPTION:** Transmission Miscellaneous **STATUS:** A

**OPERATOR NO:** 875162

 ORIGINAL CONTRACT DATE:
 11/01/2012
 RECEIVED DATE:
 09/21/2021

 INITIAL SERVICE DATE:
 TERM OF CONTRACT DATE:
 11/01/2020

 INACTIVE DATE:
 AMENDMENT DATE:
 08/01/2016

**CONTRACT COMMENT:** Y to Y

REASONS FOR FILING

NEW FILING: Y RRC DOCKET NO:

CITY ORDINANCE NO:

AMENDMENT(EXPLAIN): None

**OTHER(EXPLAIN):** To establish tariff.

PREPARER - PERSON FILING

RRC NO: 1290 ACTIVE FLAG: Y INACTIVE DATE:

FIRST NAME: Anita MIDDLE: LAST NAME: O`Brien

TITLE: Manager, Commercial Contracts

ADDRESS LINE 1: 16211 La CanteraParkway

ADDRESS LINE 2: Suite 202

CITY: San Antonio STATE: TX ZIP: 78256 ZIP4:

AREA CODE: 210 PHONE NO: 802-4491 EXTENSION:

CUSTOMER NO CUSTOMER NAME CONFIDENTIAL? DELIVERY POINT

42081 \*\*CONFIDENTIAL\*\*

Y

RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 35428

CURRENT RATE COMPONENT

RATE COMP. ID DESCRIPTION

Rich007 Gathering Fee. \$0.30 per Mcf, plus any applicable taxes.

Rich008 CPI Adjustments to Fees. The Gathering Fee will be adjusted by Gatherer annually, beginning on January 1, 2015, and on each anniversary thereafter (each, an Adjustment Date), upward or downward, as applicable, by the percentage change between January 1 and

December 31 of the year immediately preceding the Adjustment Date, in the Consumer Price Index for All Urban Consumers (the CPI-U Index), or its most comparable successor, as published by the U.S. Department of Labor, Bureau of Labor Statistics. However, in no

event shall the Gathering Fee, as so adjusted, ever be less than the Gathering Fee amounts provided.

Rich009 Incremental Compression Capacity. Producer may, at any time after the effective date of this Third Amendment, request that Gatherer

expand the capacity of the Compression Facilities to enable the facilities to handle up to 40,000 Mcf/d (the Incremental Capacity) above the initial planned 60,000 Mcf/d, for a total of I 00,000 Mcf/d. If Producer docs so, then Gatherer will construct the necessary facilities. Beginning the first month after the Incremental Capacity is placed in service, Producer will deliver sufficient volumes to the

Compression Facilities so that at least 70% of the Incremental Capacity is used for Producer's Gas on a daily basis, averaged over a three-year period (the Incremental Capacity Volume). If it is not, then, at the end of the third calendar year after the Incremental Capacity is put in service, Producer will pay Gatherer a deficiency fee of \$0.16/Mcf for the difference between the amount of the Incremental Capacity that was used and the Incremental Capacity Volume over the three-year period. All volumes of gas for which the Incremental Capacity is used will be included in the calculation of the Incremental Capacity Volume, whether or not owned or controlled by Producer. Producer's obligation to deliver sufficient volumes to enable it to reach the Incremental Capacity Volume, or

alternatively, to pay the deficiency fee applicable under this paragraph if it does not, will not be excused by Force Majeure.

The fee for gathering services provided through the High-Pressure Line will be the Gathering Fee in effect under the Rich GGA. b. The fee for gathering services provided through the Low-Pressure Line will the Gathering Fee in effect under the Rich Gas GGA, plus

\$0.105/Mcf. The additional \$0.105/Mcffee for services through the Low-Pressure Line will not be used in calculating the Commitment

Deficiency Payment of the Rich GGA.

Rich011 The fee for the use of the Compression Facilities will be \$0.08/Mcf per stage of compression; provided that the fee for compression will

be reduced to \$0.05/Mcf in the first month after Gatherer recovers 130% of its actual costs and expenses to construct the Compression Facilities, excluding the costs associated with the construction of any Incremental Capacity. Producer will reimburse Gatherer for its

pro-rata share of the fuel used in the operation of the Compression Facilities.

Rich012 The Gathering Fee will be reduced by \$0.20/Mcf for all volumes received multiplied by \$0.20 equals \$2,000,000.00, after which the

Gathering Fee will revert back.

### RATE ADJUSTMENT PROVISIONS:

None

Rich010

RRC COID: 8	675 CO	MPAN	Y NAME: TX PIPELI	NE WEBB CO RICH S	YS,LLC	
TARIFF CODE: TN	RRC TARIF	F NO:	35428			
ELIVERY POINTS						
<u>ID</u>	TYPE	<u>UNIT</u>	CURRENT CHARGE	EFFECTIVE DATE	CONFIDENTIAL	
113439	R	Mcf	\$.2000	08/01/2016	Y	
<b>DESCRIPTION:</b>	**CONFIDENTIAL**					
Customer	42081	**CONFIDENTIAL**				
113442	R	Mcf	\$.2000	08/01/2016	Y	
<b>DESCRIPTION:</b>	**CONFIDENTIAL**					
Customer	42081	**C	ONFIDENTIAL**			
113438	R	Mcf	\$.2000	08/01/2016	Y	
<b>DESCRIPTION:</b>	**CONFIDENTIAL**					
Customer	42081	**C	ONFIDENTIAL**			
113441	R	Mcf	\$.2000	08/01/2016	Y	
<b>DESCRIPTION:</b>	**CONFIDENTIAL**					
Customer	42081	**C	ONFIDENTIAL**			
113436	R	Mcf	\$.2000	08/01/2016	Y	
<b>DESCRIPTION:</b>	**CONFIDENTIAL**					
Customer	42081	**C	ONFIDENTIAL**			
113437	R	Mcf	\$.2000	08/01/2016	Y	
<b>DESCRIPTION:</b>	**CONFIDENTIAL**					
Customer	42081	**C	ONFIDENTIAL**			

### TYPE SERVICE PROVIDED

TYPE OF SERVICE	SERVICE DESCRIPTION	OTHER TYPE DESCRIPTION
J	Compression	
I	Gathering	

### TUC APPLICABILITY

### FACTS SUPPORTING SECTION 104.003(b) APPLICABILITY

Neither the gas utility nor the customer had an unfair advantage during the negotiations.

NOTE: (This fact cannot be used to support a Section 104.003(b) transaction if the rate to be charged or offered to be charged is to an affiliated pipeline.)

The rate is substantially the same as the rate between the gas utility and at least two of those customers under the same or similar conditions of service. Competition does or did exist either with another gas utility, another supplier of natural gas, or a supplier of an alternative form of energy.

COMPANY NAME: TX PIPELINE WEBB CO RICH SYSLLC 8675 RRC COID:

TARIFF CODE: TM RRC TARIFF NO: 282124

DESCRIPTION: Transmission Miscellaneous STATUS: A

875162 OPERATOR NO:

> ORIGINAL CONTRACT DATE: 06/23/2014 RECEIVED DATE: 09/21/2021 INITIAL SERVICE DATE: 06/23/2024 TERM OF CONTRACT DATE:

> > **INACTIVE DATE:** AMENDMENT DATE:

CONTRACT COMMENT: Y to Y

REASONS FOR FILING

NEW FILING: N RRC DOCKET NO:

CITY ORDINANCE NO: AMENDMENT(EXPLAIN): None

OTHER(EXPLAIN): To establish tariff.

PREPARER - PERSON FILING

RRC NO: 1290 ACTIVE FLAG: Y TNACTIVE DATE:

FIRST NAME: Anita MIDDIE: LAST NAME: 0`Brien

TITLE: Manager, Commercial Contracts

ADDRESS LINE 1: 16211 La CanteraParkway

ADDRESS LINE 2: Suite 202

STATE: TX CITY: San Antonio **ZIP:** 78256 7.TP4 •

AREA CODE: 210 PHONE NO: **EXTENSION:** 

CUSTOMERS

CUSTOMER NO CONFIDENTIAL? DELIVERY POINT **CUSTOMER NAME** 

42079 \*\*CONFIDENTIAL \*\*

Y

### CURRENT RATE COMPONENT

#### RATE COMP. ID DESCRIPTION

CPI Adjustments to Fees. The Gathering Fee will be adjusted by Gatherer annually, beginning on January 1, 2015, and on each Rich003 anniversary thereafter (each, an Adjustment Date), upward or downward, as applicable, by the percentage change between January 1 and

December 31 of the year immediately preceding the Adjustment Date, in the Consumer Price Index for All Urban Consumers, or its most comparable successor, as published by the U.S. Department of Labor, Bureau of Labor Statistics. However, in no event shall the Gathering Fee, as so adjusted, ever be less than the Gathering Fee amounts provided, plus any applicable taxes.

Rich004

Gathering Fee. (a) \$0.30 per Mcf for the first 0 to 25.57 Bcf (b) \$0.275 per Mcf for 25.58 Bcf to 30.68 Bcf (c) \$0.25 per Mcf excess of

an aggregate of 30.68 Bcf, plus any applicable taxes.

Imbalance Price. Commencing with the first production month under this Agreement, and monthly thereafter, Gatherer and Producer Rich005 shall resolve any Imbalance by one Party paying the other Party for Imbalances due either Gatherer or Producer at a price as shown

below in (a) or (b): (a) Gas Imbalance due Gatherer. To the extent that Producers Imbalance resulted in redelivered quantities by Gatherer that were greater than Producers allocated MMBtu, Producer shall pay Gatherer the value calculated as the product of (x) such Imbalance quantity due Gatherer and (y) the Cash Out Index plus the rate as paid to Gatherers Interconnecting Pipeline by Gatherer of \$0.05 per MMBtu if the total Gatherer imbalance for the month to Gatherers Interconnecting Pipeline is less than or equal to 100,000 MMBtu; or \$0.15/MMBtu if the total Gatherer imbalance for the month to Gatherers Interconnecting Pipeline is greater than 100,000 MMBtu; (b) Gas Imbalance due Producer. To the extent that Producers Imbalance resulted in redelivered quantities by Gatherer that were less than Producers allocated MMBtu, Gatherer shall pay Producer the value calculated as the product of (x) such Imbalance quantity and (y) the Cash Out Index minus the rate deducted by Gatherers Interconnecting Pipeline as paid to Gatherer of \$0.10 per MMBtu if the total Gatherer imbalance for the month to Gatherers Interconnecting Pipeline is less than or equal to 100,000 MMBtu, or \$0.15/MMBtu if the total Gatherer imbalance for the month to Gatherers Interconnecting Pipeline is greater than 100,000 MMBtu; in each case, where the imbalance valuation calculation is based upon the simple average of the posted prices for such month in Gas Daily as quoted in the Daily Price Survey under the heading Midpoint for East-Houston-Katy, Houston Ship Channel (Cash Out Index).

#### RATE ADJUSTMENT PROVISIONS:

None

RRC COID: 8675 COMPANY NAME: TX PIPELINE WEBB CO RICH SYS,LLC

TARIFF CODE: TM RRC TARIFF NO: 282124

DELIVERY POINTS

<u>ID</u> <u>TYPE</u> <u>UNIT</u> <u>CURRENT CHARGE</u> <u>EFFECTIVE DATE</u> <u>CONFIDENTIAL</u>

113435 R Mcf \$.3000 06/23/2014 Y

**DESCRIPTION:** \*\*CONFIDENTIAL\*\*

Customer 42079 \*\*CONFIDENTIAL\*\*

TYPE SERVICE PROVIDED

TYPE OF SERVICE SERVICE DESCRIPTION OTHER TYPE DESCRIPTION

I Gathering

### TUC APPLICABILITY

### FACTS SUPPORTING SECTION 104.003(b) APPLICABILITY

Neither the gas utility nor the customer had an unfair advantage during the negotiations.

NOTE: (This fact cannot be used to support a Section 104.003(b) transaction if the rate to be charged or offered to be charged is to an affiliated pipeline.)

The rate is substantially the same as the rate between the gas utility and at least two of those customers under the same or similar conditions of service. Competition does or did exist either with another gas utility, another supplier of natural gas, or a supplier of an alternative form of energy.